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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/943,677	08/31/2001	Cameron G. Cofer	24565A	2612

7590 05/28/2004

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EXAMINER

YAO, SAMCHUAN CUA

ART UNIT	PAPER NUMBER
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1733

DATE MAILED: 05/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/943,677

Applicant(s)

COFER ET AL.

Examiner

Sam Chuan C. Yao

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--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 06 May 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: see the attached examiner's remarks.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☐ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

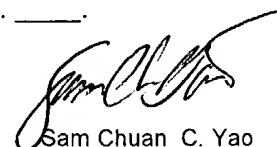
Claim(s) allowed: _____

Claim(s) objected to: _____

Claim(s) rejected: 1-35.

Claim(s) withdrawn from consideration: _____

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____



Sam Chuan C. Yao
Primary Examiner
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Remarks

1. Examiner wishes to thank Counsel for pointing out the typographical error in numbered paragraph 4 of the last office action. As correctly pointed out by Counsel and as clearly indicated in numbered paragraph 4 on pages 5-7, claims 4-5, 21-24, and 27-28 should have been included in a list of claims as being obvious under 35 USC 103 over the art of record.
2. In light of Counsel's arguments the rejections set forth in numbered paragraphs 2 and 5 are withdrawn. However, all pending claims stands rejected for reasons set forth in numbered paragraph 4.
3. As for Counsel's argument regarding the Bonazza patent on page 3 full paragraph 3, Counsel would appear to be taking Examiner's office action out of context. The Bonazza patent is not used because it suggests the application of metal-coated carbon fibers enhances mechanical properties of a resultant fiber-reinforced article. Rather, the Bonazza patent is primarily applied to show that, one in the art would have been motivated in the art to use a metal-coated carbon fibers in the process taught by WO '551 in order to form composite strands having an EMI shielding characteristic, so that a molded EMI shielding fiber-reinforced article can be manufactured using the strands. As for Counsel's argument regarding the improvement of mechanical properties, this is a secondary benefit suggested by Bonazza. See example II of the Bonazza patent, for example. In that example, Bonazza teaches forming a *"prepreg reinforced with a chopped mat containing metal coated carbon fibers."* (col. 6 lines 65-67). Accordingly, it *"provides a material with increased conductivity over normal carbon*

fiber composites, also provides good mechanical properties and convenient processability. The high conductivity of the prepreg makes it an ideal candidate for EMI shielding applications. In preparing this prepreg, nickel coated carbon fiber chopped mat ... was sandwiched between 2 sheets of 2 mil PPS film.” (emphasis added); and then stamp or compression molded in a desired a composite article having good EMI shielding characteristics (col. 6 line 67 to col. 7 line 35). While it is true that, Bonazza teaches providing a support layer to an EMI shielding composite layer. It does not necessarily mean that, the use of metal coated carbon reduces mechanical properties of a resultant fiber-reinforced composite. Moreover, simply because Bonazza teaches using a support layer, it does not also necessarily suggest that a resultant EMI shielding composite layer taught by Bonazza has a poor mechanical property. Equally important, the presently recited claims uses an open transitional phrase “comprising”, therefore, the claims do not preclude one from providing a support layer to a resultant fiber-reinforced composite formed by heat-molding the recited fiber-reinforced pellet.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sam Chuan C. Yao whose telephone number is (571) 272-1224. The examiner can normally be reached on Monday-Friday with second Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino can be reached on (571) 272-1226. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Sam Chuan C. Yao
Primary Examiner
Art Unit 1733

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04-26-04